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means for attenuating noise in a plurality of frequencies by changing the frequency response of said Helmholtz resonator responsive to changes in speed of said engine;

wherein said means for changing the frequency includes a valve having only an open and a closed position.

REMARKS

Claims 1-12 remain in the application. Claims 2, 4, 6, 8, 10 and 12 stand objected to as dependent from a rejected claim. Claim 9 has been amended as specifically required by the Examiner.

Nakachi et al. (Japanese Publication 2-215925) discloses an intake pipe 5 which is connected to a branch serially including pipe 10, valve 13, volume 7, pipe 11, valve 14, volume 8, pipe 12, valve 15 and volume 9. The "constitution" states that "(v)alves 13-15 ... are opened or closed via a controller 16" (emphasis supplied) and that "these valves are closed in order of 15, 14, and 13" (emphasis supplied). It follows that there is at least one valve that is intended to be closed during some aspects of normal operation between intake pipe 5 and volumes 7, 8 and 9.

Claim 9 stands objected to. It is believed that the objections are cured by the amendment.

Claims 1, 3, 5, 7, 9 and 11 stand finally rejected under 35 U.S.C. § 102(b) as anticipated by Nakachi. Independent claims 1, 5 and 9 each require the resonator to be "continuously operatively connected to said inlet line via a restricted connection" (emphasis supplied). This structure corresponds to neck 50-1 in Figures 2 and 3, neck 150-1 in Figures 4-6 and neck 250-1 in Figures 7 and 8. Independent claims 1, 5 and 9